

ASSEMBLY BILL

No. 2720

Introduced by Assembly Member Olberg

February 25, 2000

An act to amend Section 82015 of the Government Code, relating to the Political Reform Act of 1974.

LEGISLATIVE COUNSEL'S DIGEST

AB 2720, as introduced, Olberg. Political Reform Act of 1974: contributions.

Existing provisions of the Political Reform Act of 1974 define the term “contribution” as used in the act and provide certain exclusions therefrom.

This bill would exclude from the definition of “contribution” citizen-created campaign Web sites on the Internet, Web sites developed by nonpartisan organizations to promote candidate and issue debates, private Web sites linked to official campaign Web sites, and other Web sites that offer political advocacy that are not established or maintained by or at the behest of or otherwise controlled by candidates or committees.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the Political Reform Act of 1974, would therefore require a $\frac{2}{3}$ vote.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 82015 of the Government Code
2 is amended to read:

3 82015. (a) “Contribution” means a payment, a
4 forgiveness of a loan, a payment of a loan by a third party,
5 or an enforceable promise to make a payment except to
6 the extent that full and adequate consideration is
7 received, unless it is clear from the surrounding
8 circumstances that it is not made for political purposes.

9 (b) (1) A payment made at the behest of a committee
10 as defined in subdivision (a) of Section 82013 is a
11 contribution to the committee unless full and adequate
12 consideration is received from the committee for making
13 the payment.

14 (2) A payment made at the behest of a candidate is a
15 contribution to the candidate unless the criteria in either
16 subparagraph (A) or (B) are satisfied:

17 (A) Full and adequate consideration is received from
18 the candidate.

19 (B) It is clear from the surrounding circumstances that
20 the payment was made for purposes unrelated to his or
21 her candidacy for elective office. The following types of
22 payments are presumed to be for purposes unrelated to
23 a candidate’s candidacy for elective office:

24 (i) A payment made principally for personal purposes,
25 in which case it may be considered a gift under the
26 provisions of Section 82028. Payments that are otherwise
27 subject to the limits of Section 86203 are presumed to be
28 principally for personal purposes.

29 (ii) A payment made by a state, local, or federal
30 governmental agency or by a nonprofit organization that
31 is exempt from taxation under Section 501(c)(3) of the
32 Internal Revenue Code.

33 (iii) A payment not covered by clause (i), made
34 principally for legislative, governmental, or charitable
35 purposes, in which case it is neither a gift nor a

1 contribution. However, payments of this type that are
2 made at the behest of a candidate who is an elected officer
3 shall be reported within 30 days following the date on
4 which the payment or payments equal or exceed five
5 thousand dollars (\$5,000) in the aggregate from the same
6 source in the same calendar year in which they are made.
7 The report shall be filed by the elected officer with the
8 elected officer's agency and shall be a public record
9 subject to inspection and copying pursuant to the
10 provisions of subdivision (a) of Section 81008. The report
11 shall contain the following information: name of payor,
12 address of payor, amount of the payment, date or dates
13 the payment or payments were made, the name and
14 address of the payee, a brief description of the goods or
15 services provided or purchased, if any, and a description
16 of the specific purpose or event for which the payment or
17 payments were made. Once the five thousand dollars
18 (\$5,000) aggregate threshold from a single source has
19 been reached for a calendar year, all payments for the
20 calendar year made by that source must be disclosed
21 within 30 days after the date the threshold was reached
22 or the payment was made, whichever occurs later. Within
23 30 days after receipt of the report, state agencies shall
24 forward a copy of these reports to the Fair Political
25 Practices Commission, and local agencies shall forward a
26 copy of these reports to the officer with whom elected
27 officers of that agency file their campaign statements.

28 (C) For purposes of subparagraph (B), a payment is
29 made for purposes related to a candidate's candidacy for
30 elective office if all or a portion of the payment is used for
31 election-related activities. For purposes of this
32 subparagraph, "election-related activities" shall include,
33 but are not limited to, the following:

34 (i) Communications that contain express advocacy of
35 the nomination or election of the candidate or the defeat
36 of his or her opponent.

37 (ii) Communications that contain reference to the
38 candidate's candidacy for elective office, the candidate's
39 election campaign, or the candidate's or his or her
40 opponent's qualifications for elective office.

1 (iii) Solicitation of contributions to the candidate or to
2 third persons for use in support of the candidate or in
3 opposition to his or her opponent.

4 (iv) Arranging, coordinating, developing, writing,
5 distributing, preparing, or planning of any
6 communication or activity described in clauses (i), (ii),
7 or (iii), above.

8 (v) Recruiting or coordinating campaign activities of
9 campaign volunteers on behalf of the candidate.

10 (vi) Preparing campaign budgets.

11 (vii) Preparing campaign finance disclosure
12 statements.

13 (viii) Communications directed to voters or potential
14 voters as part of activities encouraging or assisting
15 persons to vote if the communication contains express
16 advocacy of the nomination or election of the candidate
17 or the defeat of his or her opponent.

18 (D) A contribution made at the behest of a candidate
19 for a different candidate or to a committee not controlled
20 by the behesting candidate is not a contribution to the
21 behesting candidate.

22 (c) The term “contribution” includes the purchase of
23 tickets for events such as dinners, luncheons, rallies, and
24 similar fundraising events; the candidate’s own money or
25 property used on behalf of his or her candidacy other than
26 personal funds of the candidate used to pay either a filing
27 fee for a declaration of candidacy or a candidate
28 statement prepared pursuant to Section 13307 of the
29 Elections Code; the granting of discounts or rebates not
30 extended to the public generally or the granting of
31 discounts or rebates by television and radio stations and
32 newspapers not extended on an equal basis to all
33 candidates for the same office; the payment of
34 compensation by any person for the personal services or
35 expenses of any other person if the services are rendered
36 or expenses incurred on behalf of a candidate or
37 committee without payment of full and adequate
38 consideration.

39 (d) The term “contribution” further includes any
40 transfer of anything of value received by a committee

1 from another committee, unless full and adequate
2 consideration is received.

3 (e) The term “contribution” does not include amounts
4 received pursuant to an enforceable promise to the
5 extent those amounts have been previously reported as a
6 contribution. However, the fact that those amounts have
7 been received shall be indicated in the appropriate
8 campaign statement.

9 (f) The term “contribution” does not include a
10 payment made by an occupant of a home or office for
11 costs related to any meeting or fundraising event held in
12 the occupant’s home or office if the costs for the meeting
13 or fundraising event are five hundred dollars (\$500) or
14 less.

15 ~~(g) Notwithstanding the foregoing definition of~~
16 ~~“contribution,” the~~ The term “contribution” does not
17 include volunteer personal services or payments made by
18 any individual for his or her own travel expenses if the
19 payments are made voluntarily without any
20 understanding or agreement that they shall be, directly
21 or indirectly, repaid to him or her.

22 (h) *The term “contribution” does not include*
23 *citizen-created campaign Web sites on the Internet, Web*
24 *sites developed by nonpartisan organizations to promote*
25 *candidate and issue debates, private Internet Web sites*
26 *linked to official campaign Web sites, or other Web sites*
27 *that offer political advocacy that are not established or*
28 *maintained by or at the behest of or otherwise controlled*
29 *by candidates or committees.*

30 SEC. 2. The Legislature finds and declares that the
31 provisions of this act further the purposes of the Political
32 Reform Act of 1974 within the meaning of subdivision (a)
33 of Section 81012 of the Government Code.